

EXHIBIT A

Dated: September 18, 2019

Adopted: September 18, 2019

**RESOLUTION: ADOPTION OF AMENDMENTS TO THE TOWN'S ZONING
 LAW AND OFFICIAL ZONING MAP**

WHEREAS, in connection with the review of Chapter 200 of the Code of The Town of Whitestown entitled "The Town of Whitestown Zoning Ordinance of 1980" (hereinafter "Zoning Law"), and in response to various issues that have arisen both before the Planning Board and the Zoning Board of Appeals, the Code Enforcement Officer and Town Attorney proposed various amendments be made to the Zoning Law; and

WHEREAS, by resolution dated December 19, 2018, in accordance with Section 200-40 of the Code of the Town of Whitestown, the Town Board referred the proposed amendments to the Town's Planning Board which thereafter presented its report and recommendations dated March 13, 2019; and

WHEREAS, based upon the written recommendations of the Planning Board dated March 13, 2019, further amendments were proposed be made to the Zoning Law including the repeal of the "Land Conservation Overlay District" (Section 200-22) and the "J. R. Judd Overlay District" (Section 200-22.1); and

WHEREAS, by resolution dated April 17, 2019, and in accordance with Section 200-39 of the Zoning Law, the Town Board declared itself lead agency for the purposes of determining the environmental impact, if any, resulting from the proposed amendments, and further, pursuant to Section 200-41 of the Zoning Law, called for a public hearing to be held on May 15, 2019 at 6:30 p.m. for the purposes of considering amendments to the Zoning Law, with notice

to be published in accordance with the Town Code, together with individual notices to be mailed to all property owners impacted by the aforementioned proposed repeal of the Judd Road Overlay District recommended by the Planning Board and to the municipalities adjacent to the Town's boundaries; and

WHEREAS, on May 15, 2019 a public hearing was held before the Town Board at which numerous residents inquired as to the impact of the changes on their properties, particularly as they related to Judd Road and Westmoreland Road; and

WHEREAS, in accordance with the applicable provisions of the General Municipal Law, in response to the referral of the proposed amendments for its review and recommendations, the County Planning Department provided its written recommendations dated May 29, 2019 approving the proposed amendments, but further recommending that the Town's official zoning map be amended to reflect the various proposed amendments and any previous amendments made to zoning districts within the Town; and

WHEREAS, the Town Attorney, Code Enforcement Officer and Town Engineer met and reviewed the Town's Zoning Map and proposed modifications thereto, resulting from the proposed amendments to the Zoning Law, as well as previous amendments made to the Zoning Law which were not yet reflected on the Zoning Map; and

WHEREAS, to insure compliance with Article IX of the Zoning Law and to enable the public a further opportunity to review the proposed changes and their possible impact on the Town's official Zoning Map by resolution dated June 19, 2019, the Town Board called for a further public hearing concerning the proposed zoning amendments to both the text and official zoning map, and that a copy of the proposed revised zoning map be submitted to County Planning for its further review and approval, consistent with its recommendation;

WHEREAS, on July 17, 2019, a further public hearing was held before the Town Board at which time the Town Board accepted further inquiries concerning the proposed amendments to the Zoning Law and the official zoning map; and

WHEREAS, the County Planning Department provided written recommendations dated August 19, 2019 approving the proposed changes to the Town's Official Zoning Map; and

WHEREAS, to address comments from the public, a further written recommendation from the Town's Planning Board dated July 8, 2019, recommendations made by the County Planning Department, as well as various Town officials, additional amendments were made to the Zoning Law and the Official Zoning Map as follows:

- (1) Amending the permissible site plan review uses in the R-80 and R-100 Residence Districts to include a "Bed and Breakfast" as defined by the Zoning Ordinance;
- (2) Correcting various typographical and scrivener errors in the proposed textual amendments;
- (3) Splitting the zoning on parcel 304.000-1-61.1 to reflect a R-200 zone on the parcel along Westmoreland Road and M-1 zone along the parcel on Judd Road;
- (4) Amending the zoning on parcels 275.000-2-30.1 and 275.000-2-30.2 located on Airport Road to R-100 Residence; and
- (5) Amending the zoning on parcels 290.000-2-25.1, 290.000-2-25.2, 290.000-2-34 and 290.000-2-35 located on the corner of Judd Road and Cider Street to R-100 Residence.

WHEREAS, after due deliberation, the Town Board finds it to be in the best interests of the Town to adopt the proposed textual amendments to the Zoning Law and to otherwise adopt the proposed Local Law attached hereto and to adopt the amendments to the Town's Official Zoning Map;

NOW, THEREFORE BE IT:

RESOLVED, the Town Supervisor be, and he is hereby authorized to execute and issue a negative declaration on behalf of the Town, and to further execute any and all documents confirming the Town Board's finding that the proposed amendments to the text of the Zoning Law and to the Town's Official Zoning Map will not have an adverse impact on the environment; and be it further

RESOLVED, that the proposed Local Law attached hereto, be and the same is hereby adopted as Local Law No. 2 of 2019; and be it further

RESOLVED, that the Town Clerk be, and she is hereby directed to file Local Law No. 2 of 2019 with the New York State Secretary of State in accordance with the provisions of all applicable laws, rules and/or regulations; and be it further

RESOLVED, that a summary and/or abstract of the Local Law amending the provisions of the Zoning Law be published once in the Town's official newspapers, and upon receipt of the affidavits of publication thereof, the same are to be filed with the office of the Town Clerk in accordance with Section 264 of the Town Law; and be it further

RESOLVED, that pursuant to Section 239-M of the General Municipal Law, the Town Clerk be, and she is hereby directed to file a "Notice of Local Municipal Body Final Action" with the Oneida County Department of Planning.

J R Commercial Zone Change				
	Tax Map No.	Acres	Zone Change	Street
1.)	290.000-2-25.1	48.62	R-100 Residential	Judd Road
2.)	290.000-2-25.2	1.38	R-100 Residential	Judd Road
3.)	290.000-2-35	28.48	R-100 Residential	8029 Cider St.
4.)	290.000-2-34	21.45	R-100 Residential	8063 Cider St.
5.)	275.000-2-25.1	19.68	R-100 Residential	Airport Road
6.)	275.000-2-30.2	200'x200'	R-100 Residential	Airport Road
7.)	275.000-2-30.1	2.3	R-100 Residential	Airport Road
8.)	275.000-2-29	115'x200'	R-100 Residential	Airport Road
9.)	275.000-2-28	109'x200'	R-100 Residential	Airport Road
10.)	275.000-2-27	200'x200'	R-100 Residential	Airport Road
11.)	275.000-2-33.1	20	R-100 Residential	Airport Road
12.)	275.000-2-32	3.37	R-100 Residential	Airport Road
13.)	275.000-2-31	2	R-100 Residential	6061 Airport Rd.
1.)	274.000-3-29	69.5	R-200 Residential	6701 Sutliff Road
1.)	274.000-3-22	92.25	C-4 General Commercial	Sutliff Road
2.)	274.000-3-21	5.9	C-4 General Commercial	Sutliff Road
3.)	275.000-1-70.2	4.9	C-4 General Commercial	Sutliff Road
4.)	275.000-1-70.13	4.9	C-4 General Commercial	Sutliff Road
5.)	275.000-1-70.14	4.9	C-4 General Commercial	Sutliff Road
6.)	275.000-1-70.1	16.25	C-4 General Commercial	Sutliff Road
7.)	275.000-1-70.12	8.17	C-4 General Commercial	Sutliff Road
8.)	275.000-1-20.1	90.83	C-4 General Commercial	Sutliff Road/ 6307 Coleman Mills Rd

JR Zone Commercial Zone Change				
	Tax Map No.	Acres	Zone Change	Street
1.)	304.000-1-76.1	17.99	M-1 Manufacturing	Judd Rd/ 8240 Westmoreland Rd
2.)	304.000-1-61.1	75.55	M-1 Manufacturing	Judd Rd/ 8264 Westmoreland Rd
3.)	304.000-1-62.1	67.8	M-1 Manufacturing	5241 Judd Road
4.)	304.000-1-63	2.6	M-1 Manufacturing	Judd Road
5.)	304.000-1-64	3.71	M-1 Manufacturing	5163 Judd Road
6.)	304.000-1-65	2.11	M-1 Manufacturing	8119 Halsey Road
7.)	304.000-1-74.3	12.16	M-1 Manufacturing	Halsey Road
8.)	304.000-1-62.3	20.5	M-1 Manufacturing	SR Sloan
9.)	304.000-1-68.1	23.75	M-1 Manufacturing	8110 Halsey Rd
10.)	304.000-1-68.2	5	M-1 Manufacturing	Halsey Road
11.)	316.000-1-58.1	24.41	M-1 Manufacturing	8170 Halsey Rd
12.)	316.000-1-58.2	3.93	M-1 Manufacturing	8170 Halsey Rd
13.)	316.000-1-44.2	1.84	M-1 Manufacturing	ORS Park/Halsey
14.)	316.000-1-44.4	14.42	M-1 Manufacturing	ORS Park/Halsey
15.)	316.000-1-2.2	8.57	M-1 Manufacturing	8282 Halsey Rd
16.)	316.000-1-45	16.8	M-1 Manufacturing	8280 Clark Mills Rd
17.)	316.000-1-2.3	4.9	M-1 Manufacturing	8300 Clark Mills Rd
18.)	316.000-1-2.4	110.45	M-1 Manufacturing	Clark Mills Road

NOTICE OF ADOPTION OF AMENDMENTS

TO THE TOWN OF WHITESTOWN

ZONING ORDINANCE OF 1980

NOTICE IS HEREBY GIVEN that the Town Board for the Town of Whitestown, Onelida County, New York, on September 18, 2019, by Local Law, a copy of which is available for public inspection at the office of the Town Clerk, 8539 Clark Mills Road, Whitesboro, New York 13492, adopted amendments to the Code of the Town of Whitestown at Chapter 200 entitled "The Town of Whitestown Zoning Ordinance of 1980" as follows:

- (a) The establishment of a comprehensive set of definitions and regulations regarding the placement of signs within the Town;
- (b) The inclusion of "Automobile Body Shop" as a permitted use in a C-4 Commercial District;
- (c) The repeal of the Land Conservation Overlay District and the repeal of J. R. Judd Road Overlay District and the rezoning of the parcels situated therein in accordance with Schedule A attached hereto;
- (d) Amendments to the regulations regarding accessory buildings concerning their height and location in specified districts;
- (e) Amendments to the regulations regarding off street parking and loading;
- (f) Amendments to the regulations regarding home occupations within the Town;
- (g) Amendments to the definitions and applicable requirements associated with obtaining use and area variances;

- (h) Amendment, including additions, to the definitions contained and applied within the Zoning Law;
- (i) An amendment prohibiting the operation of stockyards, slaughterhouses and rendering plants within the Town;
- (j) Changes to the various parcels as identified on Schedule A attached hereto; and
- (k) Amending the official zoning map for the Town of Whitestown to insure it properly reflects all amendments made to the zoning districts within the Town to date.

PLEASE TAKE FURTHER NOTICE, that the aforementioned amendments become effective upon the filing of the Local Law with the Secretary of State.

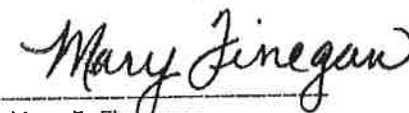
BY ORDER OF THE TOWN BOARD OF THE TOWN OF WHITESTOWN

Dated: Whitestown, New York

September 18, 2019

TOWN OF WHITESTOWN

By



Mary E. Finnegan
Town Clerk

EXHIBIT B

Chapter 200

ZONING

ARTICLE I General Provisions; Terminology

- § 200-1. Title.
- § 200-2. Purposes.
- § 200-3. Definitions; word usage.
- § 200-4. Establishment of districts.
- § 200-5. Zoning Map.
- § 200-6. District boundaries.
- § 200-7. Use regulations.

ARTICLE II Residence Districts

- § 200-8. R-200 Residence District.
- § 200-9. R-100 Residence District.
- § 200-10. R-80 Residence District.
- § 200-11. M-H Mobile Home District.

ARTICLE III Commercial Districts

- § 200-12. C-1 Neighborhood Commercial District.
- § 200-13. C-2 Office Commercial District.
- § 200-14. C-3 Retail Commercial District.
- § 200-15. C-4 Commercial District.

ARTICLE IV Manufacturing Districts

- § 200-16. M-1 Manufacturing District.
- § 200-17. ELM Environmentally Limited Manufacturing District.

- § 200-18. A-M Airport Manufacturing District.

ARTICLE V Special Districts

- § 200-19. A Airport District.
- § 200-20. F Floodplain District.
- § 200-21. L-F Landfill District.
- § 200-22. Land Conservation Overlay District.
- § 200-22.1. JR Judd Road Corridor Overlay District.

ARTICLE VI Special Procedures

- § 200-23. Planned Development (PD) District process.
- § 200-24. Site plan review process.

ARTICLE VII Supplementary Regulations

- § 200-25. Lot area and width, yards, building coverage and heights.
- § 200-26. Accessory buildings; number height and location.
- § 200-27. Off-street parking and loading.
- § 200-28. Signs.
- § 200-29. Nonconforming uses and buildings.
- § 200-30. (Reserved)
- § 200-31. Home occupation.
- § 200-32. Solar access.

§ 200-1	WHITESTOWN CODE	§ 200-2
§ 200-33. Satellite antennas.		§ 200-40. Referral of amendments to Town Planning Board and County Planning Agency.
§ 200-33.1. Wireless communications facilities.		
§ 200-34. Swimming pools and spas.		§ 200-41. Hearing on proposed amendment.
	ARTICLE VIII Administration; Board of Appeals	§ 200-42. Adoption of amendment.
§ 200-35. Enforcement Officer.		§ 200-43. Protest petition.
§ 200-36. Building permit.		§ 200-44. Periodic review.
§ 200-37. Certificate of occupancy.		
§ 200-38. Board of Appeals.		ARTICLE X Penalties
	ARTICLE IX Amendments	§ 200-45. Penalties for offenses.
§ 200-39. Initiation of amendments.		Zoning Schedule A Zoning Map Overlay District Map

[HISTORY: Adopted by the Town Board of the Town of Whitestown 7-15-1981 by L.L. No. 1-1981 as Ch. 30. Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings — See Ch. 58.	Junkyards — See Ch. 125.
Excavations — See Ch. 90.	Mobile homes and tourist camps — See Ch. 130.
Fire Prevention and Building Code — See Ch. 98.	Subdivision of land — See Ch. 175.
Flood damage protection — See Ch. 102.	

ARTICLE I General Provisions; Terminology

§ 200-1. Title.

This chapter shall be known and may be cited as "The Town of Whitestown Zoning Ordinance of 1980."

§ 200-2. Purposes.

This chapter is enacted for the following purposes:

- A. To lessen congestion in the streets;
- B. To secure safety from fire, flood, panic and other dangers;
- C. To promote health and the general welfare;

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- D. To provide adequate light and air;
- E. To prevent the overcrowding of land;
- F. To avoid undue concentration of population;
- G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- H. To conserve the value of buildings;
- I. To encourage the most appropriate use of land throughout the Town
- J. To make provisions for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor. **[Added 3-16-1999 by L.L. No. 2-1999]**

§ 200-3. Definitions; word usage.

- A. Generally. Words used in the present tense include the future tense; words used in the singular include the plural and the plural the singular. The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The word "used" shall be deemed also to include "designed, intended or arranged to be used." The word "shall" is mandatory and not permissive.
- B. Specific terms. As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

ABATTOIR — Slaughterhouse, stockyard or transfer site for livestock or other animals. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

ABOVE GROUND LEVEL (AGL) — A measurement of height from the proposed grade of a site to the highest point of a structure. **[Added 3-20-2002 by L.L. No. 2-2002]**

ACCESSORY USE — A noninhabitable accessory facility or structure. Examples include a storage and equipment shed/shelter, and cabinets used to house power, communications, and control equipment. **[Added 3-20-2002 by L.L. No. 2-2002]**

ADEQUATE COVERAGE — Coverage for wireless communications facilities is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is greater than -90 dbm for at least 80% of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal strength declines further away from the base station (e.g., -95 dbm rather than -90 dbm). For the limited purpose of determining whether the use of a repeater is necessary, there shall be deemed to be inadequate coverage within said holes. The outer boundary of the area of adequate coverage is that location past which the signal does not regain a strength equal to or greater than -90 dbm. **[Added 3-20-2002 by L.L. No. 2-2002]**

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ADULT ENTERTAINMENT [Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002] —

- (1) **ADULT BOOKSTORE** — A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape or motion-picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of sexual activities or anatomical areas.
- (2) **ADULT CABARET** — A building or portion of a building used for providing dancing, massage parlor or other live entertainment if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of sexual activities or anatomical areas.
- (3) **ADULT MINI MOTION-PICTURE THEATER** — A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of sexual activities or anatomical areas for observation by patrons herein.
- (4) **ADULT MOTION-PICTURE THEATER** — A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of sexual activities or anatomical areas for observation by patrons therein.
- (5) **ADULT USES** — Includes adult bookstores, adult motion-picture theaters, adult mini motion-picture theaters, adult cabarets and other premises, enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of sexual activities or anatomical areas which are capable of being seen by members of the public

ALLEY — Narrow supplementary thoroughfare for the public use of vehicles or pedestrians, affording access to abutting property.

ALTERATION — Any change, rearrangement or addition to a building, other than repairs; any modification in construction or in building equipment.

AREA, BUILDING — Total of area taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

AUTOMOBILE BODY SHOP — Any building or area for repair or alteration of the frame or body of automobiles.

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AUTOMOBILE SALES — Any area for wholesale or retail sale or exchange of automobiles. This may include a facility for repairs to prepare autos for sale.

BASEMENT — That space of a building that is partly below grade, which has 1/2 or more of its height, measured from floor to ceiling, above the average finished grade.

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BUILDING — A structure wholly or partially enclosed within exterior walls or within exterior and party walls and a roof. The term "building," shall be construed as if followed by the phrase "or part thereof," unless otherwise indicated by the text.

BUILDING AREA — The total ground floor area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces. **[Added 7-17-2002]**

BUILDING COVERAGE — That percentage of the lot area covered by the building area.

BUILDING, HEIGHT OF — The vertical distance measured from the average level of the proposed finished grade across the front of the building to the ridge line of the roof of the building.

BUILDING LINE — A line parallel with the front, side and rear property lines, respectively, beyond which any structure may not extend as specified in this chapter. **[Added 7-17-2002]**

BUILDING OR STRUCTURE, ACCESSORY — A structure, the use of which is incidental to that of the main building and which is located on the same premises.

CAMOUFLAGED — A wireless communications facility that is disguised, hidden, part of an existing or proposed structure, placed within an existing or proposed structure, or completely hidden by surrounding vegetation is considered "camouflaged." When facilities include a new tower or other tall structure, camouflage will conceal both the tall structure and the accompanying antennas and other equipment through the use of technology which gives these facilities the appearance of structures which are compatible with the surrounding area; also known as a "stealth facility." Examples of such structures include native trees, a farm silo, flagpole, and church steeple. **[Added 3-20-2002 by L.L. No. 2-2002]**

CAMP — Any area designated for temporary use or other similar shelter designed and intended for seasonal use.

CARRIER — A company, licensed by the FCC, that provides wireless services to customers. **[Added 3-20-2002 by L.L. No. 2-2002]**

CELLAR — That part of a building that is partly or entirely below grade, which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade.

CHILD-CARE CENTER — A facility that provides care for any number of preschool or school age children during any part of a twenty-four-hour day. All state licensing requirements are to be met, and all operation is to be in accordance with New York State Department of Social Services regulations. **[Added 7-17-2002]**

CLUB, PRIVATE — A building or use catering exclusively to club members and their guests for social and/or recreational purposes and not operated primarily for profit. **[Added 7-17-2002]**

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COLLOCATION — The shared use of a single wireless communications facility, either on the ground or on an existing building or structure, by more than one wireless communications carrier. **[Added 3-20-2002 by L.L. No. 2-2002]**

COMMUNICATIONS TOWER — A structure erected for the purpose of supporting communications equipment and antenna. **[Added 7-17-2002]**

DBM — Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt. **[Added 3-20-2002 by L.L. No. 2-2002]**

DENSITY — The total number of dwelling units proposed divided by the total number of acres within the tract.

DISH ANTENNA — A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as "satellite earth stations," "television reception-only systems (TVRO's)" and "satellite microwave antennas." **[Added 7-17-2002]**

DRIVE-IN RESTAURANT OR REFRESHMENT STAND — Any place or premises used for sale, dispensing or serving food, refreshments or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises or those primarily of a pickup or carry-out service nature. **[Added 7-17-2002]**

DWELLING, MULTIFAMILY —

- (1) A building designed or occupied for residential purposes by more than two families;
- (2) A series of attached, detached or semidetached buildings, which are provided as a group collectively with essential services and utilities and which are located on a lot, plot or parcel or land, under common ownership; or
- (3) The residential part of a mixed occupancy building.
- (4) Regardless of the foregoing, any residential building, other than a one- or two-family dwelling on a single zoning lot, shall be deemed to be a multiple dwelling.

DWELLING, ONE-FAMILY — A building containing only one dwelling unit and occupied by only one family.

DWELLING, TWO-FAMILY — A building containing only two dwelling units and occupied by only two families.

1. Editor's Note: The definition of "commercial excavation," which immediately followed this definition, was repealed 4-6-2005 by L.L. No. 1-2005. See now "Mining, excavations."

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DWELLING UNIT — A complete self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

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ELEEMOSYNARY — A service and/or charitable club or organization. **[Added 7-17-2002]**

EQUIPMENT SHELTER — An enclosed structure, cabinet, shed or box at the base of the mount within which is housed the electronic receiving and relay equipment for a wireless communications facility. Associated equipment may include air-conditioning and emergency generators. This term does not include offices, long-term storage of vehicles or other equipment storage, or broadcast studios; qualifies as an accessory use. **[Added 3-20-2002 by L.L. No. 2-2002]**

FALL ZONE — The area on the ground within a prescribed radius from the base of a wireless communications facility, and shall be one and a half times the height of the proposed facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material. **[Added 3-20-2002 by L.L. No. 2-2002]**

FAMILY — One or more persons living together as a single housekeeping unit. The term "family" does not include live-in household employees. **[Amended 3-16-1999 by L.L. No. 2-1999]**

FARM — An area of 10 acres or more from which gross sales of agricultural products is greater than \$10,000.

FINANCE, INSURANCE AND REAL ESTATE (FIRE) — Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate. **[Added 4-1-1998 by L.L. No. 4-1998]**

FLOODPLAIN — Any area adjacent to a water body which is subject to inundation from high water and/or wave action, and, at a minimum, that area subject to a one-percent or greater chance of flooding in any given year, and all areas designated as special flood hazard zones by the Federal Insurance Administration's Official Map for the Town shall be considered as flood plain areas.

FLOOR AREA, NET — The sum of the gross horizontal area of those parts of the floors of a building which are designed to be used for the direct service of customers or clients, or the sum of the gross horizontal area of those parts of a building which are designed to be used as offices where the office function is the principal use of the building. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

GARAGE, PRIVATE — A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC — A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing or repair of motor vehicles, operated for gain.

GARAGE, STORAGE — A building or part thereof used only for the storage of vehicles for gain and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

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GARBAGE — Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in the home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

GASOLINE STATION — Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles. The term "gasoline station" shall be construed to include the terms "filling station and service station."

GUYED TOWER — A monopole or lattice tower that is tied to the ground or other surface by diagonal cables. **[Added 3-20-2002 by L.L. No. 2-2002]**

HEALTH/SPORT CLUB/FITNESS CENTER — A building or portion thereof designed and equipped for the conduct of sports, exercise, leisure-time activities or other customary and usual recreational activities, operated for or on a not-for-profit basis and which can be open only to bona fide members and guests of the organization or open to the public for a fee. **[Added 10-5-2005]**

HOME OCCUPATION — An occupation or profession carried on wholly within a dwelling unit or an accessory structure (use) by a member of the family residing in the dwelling unit and which is clearly incidental to the use of the dwelling unit for residential purposes.

HOSPITAL — A building or structure for the diagnosis and medical or surgical care of human sickness or injuries. The term shall be deemed to include sanitarium and medical clinic.

HOTEL — A building containing primarily hotel units for the purpose of furnishing lodging, with or without meals, for transient occupancy; and with management maintaining a register, and providing daily housekeeping and other incidental services, including desk, telephone or bellboy services.

JUNKYARD — A lot, land or structure or part thereof used primarily for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles or for the sale of the parts thereof.

KENNEL — Land or a building used for harboring five or more dogs over six months old. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

LAND DEVELOPMENT ACTIVITY — Defined as set forth in Chapter 168 entitled "Stormwater Management and Erosion and Sediment Control." **[Added 1-23-2007 by L.L. No. 2-2007]**

LANDFILL — Any area for the depositing of refuse in a natural or man-made depression or trench or dumping at ground level, compacting to the smallest practical volume and covering with earth in a systematic and sanitary manner.

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LATTICE TOWER — A self-supporting mount constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top. **[Added 3-20-2002 by L.L. No. 2-2002]**

LAUNDROMAT — A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

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LICENSED CARRIER — A company authorized by the FCC to construct and operate a commercial mobile radio services system. **[Added 3-20-2002 by L.L. No. 2-2002]**

LOADING SPACE — Off-street space used for the temporary location of one licensed motor vehicle, such space being at least 12 feet wide and 40 feet long, not including access driveway, and having direct access to a street or alley. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

LOT — A parcel of land considered as a unit, occupied or capable of being occupied by one building and accessory buildings or uses or by a group of buildings united by a common use or interest; and including such open spaces as are required by this chapter and having its principal frontage on a public street or an officially approved place.

LOT, AREA — The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER — A lot located at the intersection of and frontage on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135°.

LOT COVERAGE — The percentage of the lot area that is occupied by the ground floor area of a building and its accessory buildings. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

LOT, DEPTH — The mean horizontal distance between the front and rear lot lines, measured from front to rear.

LOT, INTERIOR — A lot other than a corner lot.

LOT, THROUGH — An interior lot having frontage on two approximately parallel or converging streets.

LOT, WIDTH — The distance between side lot lines measured at right angles to the lot depth measured at a point from the front lot line equal to the front yard specified for the district.

MINING, EXCAVATION — The extraction of overburden and minerals, including any naturally formed solid located on or below the surface of the earth, including peat and topsoil from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use, exclusive of manufacturing processes at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavation in aid of agricultural activities. **[Added 5-4-2005]**

MOBILE HOME — A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to utilities.

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MOBILE HOME COURT or PARK — A parcel of land which has been planned and improved primarily for the placement of mobile homes.

MONOPOLE — A self-supporting mount constructed of a single shaft of wood, steel or concrete with below-grade foundations and a platform (or racks) for panel antennas arrayed at the top. **[Added 3-20-2002 by L.L. No. 2-2002]**

MOTEL — A building, with or without party walls, or any group of buildings used primarily for sheltering transient motorists and accessory uses, such as restaurants and parking.

MOUNT — The structure or surface upon which antennas are mounted, including the following four types of mounts: **[Added 3-20-2002 by L.L. No. 2-2002]**

- (1) ROOF-MOUNTED — Mounted on the roof of a building.
- (2) SIDE-MOUNTED — Mounted on the side of a building.
- (3) STRUCTURE-MOUNTED — Mounted on a structure other than a building.
- (4) GROUND-MOUNTED — Mounted on the ground.

NEIGHBORHOOD CONVENIENCE STORE — Any store selling convenience items in a retail establishment of less than 5,000 square feet of net floor area and which may or may not include the sale of gasoline. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

NONCONFORMING BUILDING, STRUCTURE or LOT — A building, structure or lot of record legally existing prior to and/or at the time of enactment of this chapter or any subsequent amendment which, by reason of such enactment or amendment, does not conform to the minimum parking or dimension requirements for the district in which it is located. **[Amended 3-16-1999 by L.L. No. 2-1999]**

NONCONFORMING USE — A property use legally existing prior to and/or at the time of the enactment of this chapter or any subsequent amendment which, by reason of such enactment or amendment, does not conform to the use regulations of the district in which is situated. **[Amended 3-16-1999 by L.L. No. 2-1999]**

NURSING or CONVALESCENT HOME — Any dwelling used for the accommodation and care of persons with or recuperating from illness or incapacity, where nursing services are furnished.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PERSONAL SERVICES ESTABLISHMENT — Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this chapter, personal service establishments shall include but not be limited to barbershops, beauty parlors, hairstylists, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops and

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other similar places of business. The term "personal service establishment" is not to be construed to include offices of physicians, dentists and veterinarians, or dry-cleaning plants or laundries containing more than 3,000 square feet of net floor area or linen or diaper service establishments. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

PLANT NURSERY, GREENHOUSE — An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stocks for budding and grafting or for sale. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

PROFESSIONAL ENGINEER — A person licensed to practice engineering in the State of New York. **[Added 3-20-2002 by L.L. No. 2-2002]**

PROFESSIONAL OFFICE — A room or suite of rooms in which an individual or group of individuals operates a private professional practice, including, but not limited to, medical, osteopathic, dental, podiatric, chiropractic, optometric, law, psychiatric, accounting, architecture and engineering. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

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PUBLIC UTILITY — Includes offices and secondary uses of gas, electricity, water, sewage, telephone, telecommunications and cable television service companies. **[Added 7-17-2002]**

QUICK-SERVICE FOOD STORE — Any food store selling convenience items in a retail establishment of less than 5,000 square feet of net floor area, with or without the dispensing of retail gasoline. **[Added 7-17-2002]**

RADIO FREQUENCY — High-frequency waves used in wireless systems to propagate information from one location to another. **[Added 3-20-2002 by L.L. No. 2-2002]**

RECREATION, COMMERCIAL OUTDOOR — Includes such uses as golf driving range, golf pitch and putt course, par-three golf course, outdoor amusement park, go-cart track, motor-cross course and batting range. **[Added 7-17-2002]**

RECREATION, COMMERCIAL INDOOR — Includes such uses as bowling alley, theater, table tennis and pool hall, skating rink, curling, gymnasium, swimming pool, hobby workshop, and similar places of indoor commercial recreation. **[Added 7-17-2002]**

RECREATION VEHICLE — A mobile recreational unit, including travel trailer, motor home, pickup camper, converted bus, tent trailer, tent or similar device used for temporary portable housing. **[Added 7-17-2002]**

REPEATER — A small receiver/relay transmitter of not more than 20 watts' output designed to provide service to areas which are not able to receive adequate coverage directly from a primary sending and receiving site in a wireless communications network. **[Added 3-20-2002 by L.L. No. 2-2002]**

ROOMING HOUSE — Any building or portion thereof containing more than two and less than 10 rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purpose for compensation, whether the compensation be paid directly or indirectly.

SECURITY BARRIER — A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass. **[Added 3-20-2002 by L.L. No. 2-2002]**

SEPARATION — The distance between one carrier's array of antennas and another carrier's array. **[Added 3-20-2002 by L.L. No. 2-2002]**

SERVICE STATION — See "gasoline station."

SHOPPING CENTER **[Added 7-17-2002]** —

- (1) Any group of two or more commercial uses which:
 - (a) Are designed as a single commercial group, whether or not located on the same lot.
 - (b) Are under common ownership or management;

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- (c) Are connected by common party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses;
 - (d) Share a common parking area; and
 - (e) Otherwise present the appearance of one continuous commercial area.
- (2) For the purpose of this chapter, the term "shopping center" shall be construed to include the term "mini-mall."

SIGN — Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school or religious group or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a sign.

SIGN, ADVERTISING — A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted or a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, FLASHING — An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter any revolving illuminated sign shall be considered a flashing sign.

STORAGE YARD — The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery. [Added 7-17-2002]

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF — That part of a building between a pitched roof and the uppermost full story, such part having a ceiling height of seven feet or more for an area not exceeding 1/2 the floor area of said full story and in which space not more than 2/3 of the floor area is finished off as rooms.

STREET — Thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

STRUCTURAL ALTERATION — Any change to a structure which is not merely a repair or replacement of an existing part or any change which would:

- (1) Enlarge or diminish the livable floor area of the structure or any part thereof.

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- (2) Change the number of dwelling units contained in any structure.
- (3) Cause a change in the location or height of the exterior walls or roof of the structure.
- (4) Move the structure from one position to another.
- (5) Change any exit or entry facilities.
- (6) Change or rearrange the structural parts, including bearing walls, beams, girders and columns.

STRUCTURE — An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

SWIMMING POOL — A private, semiprivate or public swimming, bathing, wading pool, man-made pond or tank above or below the ground of a permanent or temporary nature which has a depth of more than 24 inches and a water surface of more than 100 square feet and designed or intended for use as such. **[Added 3-16-1999 by L.L. No. 2-1999]**

TENANT — An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent. **[Added 5-4-2005]**

TOURIST HOME — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER — A mobile unit, whether self-propelled or intended to be towed, designed for camping, recreational travel or vacation use, which provides partial housekeeping facilities such as plumbing, heating, electrical, cooking or refrigeration systems or equipment, but not intended for year-round living. The term "trailer" shall include utility trailers intended to be used for hauling boats, snowmobiles, freight, construction equipment and materials and property maintenance equipment. **[Amended 6-7-2000 by L.L. No. 4-2000]**

TRAILER CAMP — An area occupied or designed for occupancy by two or more trailers.

WIRELESS COMMUNICATIONS ANTENNA — A device used to transmit or receive communications as authorized by the Federal Communications Commission, including, but not limited to whip, panel and dish communications antennas. **[Added 3-20-2002 by L.L. No. 2-2002]**

WIRELESS COMMUNICATIONS FACILITY — A facility for the provision of wireless communications services, as defined by The Telecommunications Act of 1996, and usually consisting of an equipment shelter, a mount, and/or antenna(s). Radio or television transmission towers and repeaters shall be included in the definition of wireless communications facilities. **[Added 3-20-2002 by L.L. No. 2-2002]**

WIRELESS COMMUNICATIONS SERVICES — Licensed wireless telecommunications services, including, but not limited to, cellular, personal

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communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging services marketed to the general public. Excluded from this definition are services used for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications. **[Added 3-20-2002 by L.L. No. 2-2002]**

YARD — An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT — An open, unoccupied space on the same lot with the building, between the front line of the building and the street or highway line and extending the full width of the lot.

YARD, REAR — An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

YARD, SIDE — An open, unoccupied space on the same lot with the building, situated between the building and the side lot line and extending from the front yard to the rear yard.

§ 200-4. Establishment of districts. [Amended 3-16-1999 by L.L. No. 2-1999; 7-17-2002]

The Town of Whitestown is hereby divided into the following zoning districts:

R-200	-	Residence District
R-100	-	Residence District
R-80	-	Residence District
C-1	-	Neighborhood Commercial District
C-2	-	Office Commercial District
C-3	-	Retail Commercial District
C-4	-	General Commercial District
ELM	-	Environmentally Limited Manufacturing District
M-1	-	Manufacturing District
A-M	-	Airport Manufacturing
M-H	-	Mobile Home District
A	-	Airport District
L-F	-	Landfill District
L-C	-	Land Conservation Overlay
F	-	Floodplain District
JR	-	Judd Road Corridor Overlay District

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A. Site plan review uses.

- (1) Restaurant.
- (2) Neighborhood convenience store (without gasoline sales). **[Amended 3-16-1999 by L.L. No. 2-1999; 7-17-2002]**
- (3) Bakery or confectionery shop.
- (4) Personal services such as barber, tailor and shoe repair.
- (5) Bank.
- (6) Launderette.
- (7) Fruit or vegetable market.
- (8) Professional office such as doctor, lawyer, architect and accountant.
- (9) Nursery or greenhouse.
- (10) Public utility.
- (11) Service clubs and organizations. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**
- (12) Child-care center. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**
- (13) Change in any nonresidential use or tenant. **[Added 5-4-2005]**
- (14) Land development activities. **[Added 1-23-2007 by L.L. No. 2-2007]**

B. Special permit uses.

- (1) Public utility.
- (2) ⁵ Child-care center. **[Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]**

C. Accessory uses and structures. Such accessory uses and structures as are customarily incidental to the foregoing uses.

§ 200-13. C-2 Office Commercial District. [Amended 3-16-1999 by L.L. No. 2-1999; 7-17-2002]

This district provides for integral areas for the development of professional and business offices which are not associated with retail commercial uses but which are compatible with all adjacent uses.

5. Former Subsection B(2), Business sign, was repealed 3-16-1999 by L.L. No. 2-1999.

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A. Site plan review uses.

- (1) General business offices.
- (2) Studio.
- (3) Bank.
- (4) Governmental offices.
- (5) Research and development center.
- (6) Laboratory research.
- (7) Storage.
- (8) Warehouse.
- (9) Nursery or greenhouse.
- (10) Change in any nonresidential use or tenant. [Added 5-4-2005]
- (11) Land development activities. [Added 1-23-2007 by L.L. No. 2-2007]

B. Special permit uses.

- (1) Public utility.

C. Accessory uses and structures: such accessory uses and structures as are customarily incidental to the foregoing uses.

§ 200-14. C-3 Retail Commercial District. [Amended 3-16-1999 by L.L. No. 2-1999; 7-17-2002]

This district provides for limited commercial development in nonresidential areas.

A. Site plan review uses.

- (1) C-1 and C-2 Commercial uses.
- (2) Retail store or shopping center.
- (3) Personal service shop such as barber, beauty parlor, tailor or shoe repair.
- (4) Bank or other monetary institution.
- (5) Restaurant or other place serving food or drink.
- (6) Business or professional office.
- (7) Private club or lodge.
- (8) Business sign as provided in § 200-28B of this chapter.
- (9) Public utility structure.

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- (10) Wholesale store, discount store or warehouse.
- (11) Stone or monument works.
- (12) Gasoline service station.
- (13) Automatic or coin-operated laundry or dry cleaner or pickup station.
- (14) Motel-hotel.
- (15) Retail sales and services of motorcycles, recreational vehicles, except trailers, lawn and garden vehicles and equipment and parts and accessories related thereto.
- (16) Adult entertainment.
- (17) Convenience store (with gasoline sales).
- (18) Change in any nonresidential use or tenant. [Added 5-4-2005]
- (19) Land development activities. [Added 1-23-2007 by L.L. No. 2-2007]

B. Special permit uses.

- (1) Adult entertainment.

C. Accessory uses and structures: such accessory uses and structures as are customarily incidental to the foregoing uses.

§ 200-15. C-4 Commercial District. [Amended 3-16-1999 by L.L. No. 2-1999; 7-17-2002]

This district provides for a wide range of commercial uses and for large-scale commercial development in and adjacent to existing commercial centers.

A. Site plan review uses.

- (1) Uses permitted in the C-3 Commercial District.
- (2) Automobile, farm implement, boat sales or rental, including accessory service.
- (3) Confectionary or bakery where all goods made and processed are sold at retail on the premises.
- (4) Motel or hotel.
- (5) Recreation, commercial; indoor and outdoor.
- (6) Casino.
- (7) Printing, lithographing or publishing.
- (8) Wholesale store or discount house.
- (9) Electrical, plumbing, heating or air-conditioning fabrication or repair shop, but not outside storage of used materials.

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- (10) Gasoline service station, mechanical car wash.
- (11) Building material sales yard, excluding concrete mixing.
- (12) Retail lumber yard, including only incidental mill work.
- (13) Contractor's equipment storage yard.
- (14) Small animal hospital, veterinary clinic or kennel.
- (15) Truck terminals.
- (16) Change in any nonresidential use or tenant. [Added 5-4-2005]
- (17) Land development activities. [Added 1-23-2007 by L.L. No. 2-2007]

B. Special permit uses.

- (1) Public utility.

C. Accessory uses and structures: such accessory uses and structures as are customarily incidental to the foregoing uses.

ARTICLE IV Manufacturing Districts

§ 200-16. M-1 Manufacturing District.

This district provides for limited industrial uses outside the industrial park.

A. Site plan review uses. Site plan uses shall be as follows:

- (1) Uses permitted in the C-4 Commercial District, but not including any dwelling, school, hospital or similar institution for human care except when incidental to a permitted principal use.
- (2) Research, experimental or testing laboratory, provided that no operation shall be conducted which may cause hazardous, noxious or offensive conditions in the area in which such laboratory is located.
- (3) Manufacture, compounding, assembling, fabrication or treatment of articles or merchandise from the following previously prepared materials: fiber, fur, glass, leather, metal, paper, plastic, stone, textiles, tobacco, wax, wire and wood.
- (4) Warehouse or storage facility, but not including aboveground tanks for the storage of crude oil or petroleum products, natural gas, molasses and similar bulk liquids.
- (5) Any use equivalent to the above, but not including any use which may become hazardous, noxious or offensive by reason of the emission of odor, dust, dirt, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

6. Editor's Note: Former Subsection A(5), Business or advertising sign, was deleted 3-16-1999 by L.L. No. 2-1999.

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- (6) Mining, excavations. [Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]
 - (7) Change in any nonresidential use or tenant. [Added 5-4-2005]
 - (8) Land development activities. [Added 1-23-2007 by L.L. No. 2-2007]
- B. Special permit uses. Special permit uses shall be as follows:
- (1) Truck terminal, including any premises where any vehicle used in long distance freight hauling or where any tractor trailer combination or automobile conveyor is parked, loaded or unloaded.
 - (2) Food processing plant.
 - (3) Abattoir. [Added 3-16-1999 by L.L. No. 2-1999; amended 7-17-2002]
- C. Accessory uses and structures. Such accessory uses and structures as are customarily incidental to the foregoing uses shall be allowed.

§ 200-17. ELM Environmentally Limited Manufacturing District. [Amended 3-16-1999 by L.L. No. 2-1999; 7-17-2002]

This district provides for limited and controlled industrial development involving low-density human habitation in areas subjected to environmental constraints, such as floodplains or airport approach zones.

- A. Site plan review uses. Site plan review uses shall be as follows:
- (1) Manufacturing.
 - (2) Indoor (secure) storage.
 - (3) Warehouse.
 - (4) Truck terminal.
 - (5) Junkyard.
 - (6) Change in any nonresidential use or tenant. [Added 5-4-2005]
 - (7) Land development activities. [Added 1-23-2007 by L.L. No. 2-2007]
- B. Accessory uses and structures. Such accessory uses and structures as are customarily incidental to the foregoing uses.

§ 200-18. A-M Airport Manufacturing District.

This district provides for suitable sites for industries which are oriented to the use of air transportation and air travel.

EXHIBIT C

codes

From: codes <codes@whitestown.net>
Sent: Wednesday, July 3, 2019 3:51 PM
To: 'Phil Vecchio'
Subject: RE: Town of Whitestown Zone JR and Zone M-1 Tax Map Parcels SBL 316.000-1-58.1 & 316.000-1-58.2

Phil,

I apologize it has taken me this long to get back to you. I was unexpectedly out of the office the past couple of days. All of what you have sent is correct. Unfortunately within the town "church" and "religious worship service" would fall under a public or semi-public use, which only falls under our residential zones, not within any of the commercial zones. If you have any further questions on this matter or anything else, please let me know. Thank you.

Respectfully,

Tyler S Tormey
Code Enforcement Officer
Town of Whitestown
8539 Clark Mills Rd.
Whitesboro NY 13492
Office: 315.768.0229
<http://town.whitestown.ny.us>

From: Phil Vecchio [<mailto:pvecchio@nycap.rr.com>]
Sent: Friday, June 28, 2019 2:18 PM
To: codes@whitestown.net
Cc: 'Joe Servello'; 'Mike Hughes'
Subject: Town of Whitestown Zone JR and Zone M-1 Tax Map Parcels SBL 316.000-1-58.1 & 316.000-1-58.2

Tyler,

Than you for taking the time to discuss this matter with me this afternoon. As I mentioned I represent Redeemer Church, and Redeemer Church is contemplating purchasing the two parcels 316.000 – 1 – 58.1 & -58.2.

Here is what I took away from our conversation this afternoon:

1. The current zoning of these two parcels is "JR" (Code §200-22.1 JR Judd Road Corridor Overlay District).
2. The JR zoning is going to be changed to "M-1" (Code §200-16 M-1 Manufacturing District), and that change is probably going to occur later this summer or early this fall.
3. "Church" or "religious worship services" is not a permitted use in a Zone designated M-1 or JR. Accordingly a "use variance" would be needed for such use on this property.
4. "Use variance" requires a showing of hardship.

5. It would be difficult for Redeemer Church to show a hardship where the M-1 zoning predated the acquisition of the parcel.

I ask that you acknowledge receipt of this email and correct any of these points, and supplement this discussion with any other points that are needed to help my client, Redeemer Church, understand precisely what they can, or cannot, do with these two parcels.

Very truly yours,
FOR THE FIRM
Philip J. Vecchio, P.C.
Attorney At Law
24 Huntswood Lane
East Greenbush, N.Y. 12061
Telephone (518) 857 – 2897
Facsimile (518) 479 – 4335

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